

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Douglas P. Mueller on September 22, 2008.

The application has been amended as follows: Claims 5-7 have been cancelled.

***Drawings***

2. The replacement drawings were received on June 26, 2008. These drawings are acceptable.

***Allowable Subject Matter***

3. Claims 3, 4, 8, 10 and 18 are allowed for the reasons specified in Applicant's Remarks filed June 26, 2008. In addition, it is noted that, in regard to claim 3, none of the references of record alone or in combination suggest or fairly teach the combination of elements comprising the claimed "converging projecting means," the claimed "spherical aberration regulating means," the claimed "focus-moving means," the claimed "focus error detecting means," the claimed "reflected light quantity detecting means," the claimed "phase relationship detecting means," the claimed "information surface discriminating means," the claimed "reversal instruction means," the claimed "driving signal generating means," the claimed "controlling means," and the claimed "focus pulling-in means" having the relationships claimed in claim 3. In regard to claim 8, none of the references of record alone or in combination suggest or fairly teach the combination of

elements comprising the claimed “converging projecting means,” the claimed “focus-moving means,” the claimed “focus error detecting means,” the claimed “focal point passage detecting means,” the claimed “reversal instruction means,” the claimed “driving signal generating means,” the claimed “controlling means,” the claimed “focus pulling-in means,” and the claimed “movement amount managing detecting means A” having the relationships claimed in claim 8.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Battaglia whose telephone number is (571)272-7568. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, A. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael V. Battaglia/  
Primary Examiner, Art Unit 2627